

MICHAEL J. JAMES,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 00-98-A
ACTING ROCKY MOUNTAIN	:	
REGIONAL DIRECTOR, BUREAU	:	
OF INDIAN AFFAIRS,	:	
Appellee	:	August 22, 2000

On July 28, 2000, the Board of Indian Appeals affirmed the denial of Appellant Michael J. James' request for general assistance from the Bureau of Indian Affairs (BIA). 35 IBIA 136. Appellant has filed a timely petition for reconsideration of that decision.

Appellant contends that he was denied BIA general assistance because he is incarcerated, but that the regulations do not "prescribe incarceration as a disqualifying mandate."

Appellant was denied BIA general assistance because he does not reside on or near a reservation. Although the fact that he is incarcerated may be the reason why he is not residing on or near a reservation, his incarceration was not the basis for the decision.

Appellant also asserts that any BIA general assistance he receives "will be used entirely for the benefit of my son Matthew Thomas James, Fort Peck Tribal Member, residing on the reservation in Poplar, Montana e.g., checks can be made out to his guardians." Appellant argues that his son meets all of the eligibility requirements in 25 C.F.R. Part 20.

Appellant raises this contention for the first time in his petition for reconsideration. In his original appeal, Appellant argued that he needed BIA general assistance "for educational purposes, for relief of distress, and for basic humanitarian needs." Opening Brief at 2. Appellant did not mention his son as a recipient of the general assistance which he sought for himself.

The Board is not required to consider arguments made for the first time in a petition for reconsideration. See, e.g., Alan-Wilson v. Sacramento Area Director, 31 IBIA 4 (1997); Hamilton v. Acting Sacramento Area Director, 29 IBIA 188 (1996); Pima Country Club, Inc.

v. Phoenix Area Director, 21 IBIA 70 (1991). It will therefore not consider either this argument or the question of whether Appellant is a person eligible to request BIA assistance on behalf of his son.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this petition for reconsideration is denied.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge